

Appl. No. 10/776,851
Docket No. CM2687MQ
Amdt. dated August 31, 2009
Reply to Office Action mailed on May 29, 2009
Customer No. 27752

REMARKS

Claim Status

Claims 1, 3-7, 9 and 21 are pending in the present application. Claims 22, 23, and 24 have been added. Support for the addition of new Claim 22 can be found at least in the originally filed claim set. Support for the addition of new Claim 23 can be found at least on page 16, line 2 of the originally filed specification. Support for the addition of new Claim 24 can be found at least on pages 10-11 and Figure 6 of the originally filed specification. No additional claims fee is believed to be due.

Claim 1 has been amended. Support for the amendment to Claim 1 can be found at least on page 11, line 2 of the originally filed specification.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejections Under 35 U.S.C. §103(a) Over Suzuki In View Of Gross

Claims 1, 3-7 and 12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki (EP 1 088 537 A2), in view of Gross, et al., (US 6,403,857 B1). Applicants respectfully traverse this rejection, as the references do not establish a *prima facie* case of obviousness. Specifically, the references do not teach or suggest all of Applicants' claim limitations, as required under MPEP 2143.03.

Claim 1 has been amended to require that areas of junction of the first and second substrate layers are offset. Neither Suzuki nor Gross teach two substrate layers having offset areas of junction. Figure 17 of Suzuki show that absorbent polymer material of one layer (M) faces the absorbent polymer material of the other layer (M') and the absorbent material absent areas of one layer (M) face the absorbent polymer absent areas of the other layer (M'). (See Suzuki Figure 17). Thus, the figures in Suzuki do not show offset layers of areas of junction. Further, Gross teaches that it is desirable to bond a distinct layer of superabsorbent granules to one side of an absorbent structure (emphasis added). (See Gross Column 2, lines 47-50). The structures of Gross contain a fibrous absorbent

layer to which a superabsorbent layer is bonded on one side and the acquisition layer is bonded on the other side (emphasis added). (See Gross Column 6, lines 48-52). Thus, neither Suzuki nor Gross teach two substrate layers, each having absorbent material deposited thereon, wherein the absorbent material of one layer faces the area of junction of the other layer such that the areas of junction are offset.

In addition, the Office Action recognizes that Suzuki does not disclose an absorbent article having portions of the substrate layers forming areas of junction where the thermoplastic material contacts the layers such that the absorbent material of the first substrate layer faces areas of junction of the second substrate layer and the absorbent material of the second substrate layer faces areas of junction of the first substrate layer. (See Office Action page 6). The Office Action states that Gross teaches that portions of the substrate layers form areas of junction where the thermoplastic material contacts the substrate layer. (See Office Action page 6). The Office Action refers to column 3, lines 6-8 and Figures 1A and 1B to support this proposition. However, Figures 1A and 1B of Gross show a continuous fibrous absorbent layer. There is no depiction of two layers of absorbent material combined such that the absorbent material of the first substrate layer faces areas of junction of the second substrate layer and the absorbent material of the second substrate layer faces areas of junction of the first substrate layer. Further, column 3, lines 6-8 of Gross state that the pattern of discontinuity may be accomplished by means known in the art such as by masking areas of a particle distributor head or by silk screen type printing of the latex binder such that particles adhere only in the areas coated with bind. There is no mention in column 3, lines 6-8 of Gross of two layers of absorbent material combined such that the absorbent material of the first substrate layer faces areas of junction of the second substrate layer and the absorbent material of the second substrate layer faces areas of junction of the first substrate layer. In addition, there is no mention of areas of junction that are offset, as required by amended Claim 1.

The Office Action further states that Gross teaches the absorbent material of the first substrate acquisition of distribution layer having the areas of junction on the garment-facing underside in facing the areas of junction of the bonded superabsorbent layer, and the first and second layers do not contact each other because the fibrous

absorbent layer having areas of junction on its surface sides is interposed therebetween. (See Office Action page 6). The Office Action cites column 6, lines 50-65 and column 7, lines 28-35 of Gross to support this proposition. Column 6, lines 50-65 is directed to a structure containing a fibrous absorbent layer to which a superabsorbent layer is bonded on one side and the acquisition layer is bonded on the other side (emphasis added). Further, column 7, lines 28-35 of Gross is directed to use of the superabsorbent layer. Neither portion of Gross cited by the Office Action teaches two layers of absorbent material combined such that the absorbent material of the first substrate layer faces areas of junction of the second substrate layer and the absorbent material of the second substrate layer faces areas of junction of the first substrate layer. In addition, there is no mention of areas of junction that are offset, as required by amended Claim 1.

References relied upon to support a rejection under 35 U.S.C. 103(a) must provide an enabling disclosure, i.e., they must place the claimed invention in the possession of the public. *In re Payne*, 203 U.S.P.Q. 245 (CCPA 1979). Because the cited references fail to teach all of the claim limitations of amended Claim 1, the Office has not established a *prima facie* case of obviousness and has not placed the presently claimed absorbent article in the possession of the public. Since Claims 3-7 and 12 depend from Claim 1, the cited references also fail to teach all of their claim limitations. Therefore, Applicants assert that Claims 1, 3-7 and 12 are nonobvious over the cited references and are in condition for allowance.

Rejections Under 35 U.S.C. §103(a) Over Suzuki In View Of Gross

And Further In View Of Tanzer

Claims 6 and 21 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki (EP 1 088 537 A2), in view of Gross, et al., (US 6,403,857 B1), and further in view of Tanzer, et al. (WO 01/15647 A1).

Applicants assert that Suzuki and Gross do not render obvious Claims 6 and 21 of the presently claimed invention. These references are discussed above relative to independent Claim 1 and the deficiencies are not resolved by Tanzer. Specifically, Tanzer does not teach the core construction as required by amended Claim 1, i.e. a core

Appl. No. 10/776,851
Docket No. CM2687MQ
Amdt. dated August 31, 2009
Reply to Office Action mailed on May 29, 2009
Customer No. 27752

having two discontinuous layers of absorbent material that are arranged in such a way that the absorbent material of one layer faces the areas of junction of the other layer and the areas of junction are offset.

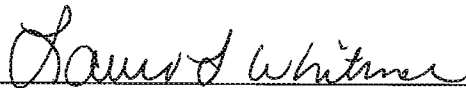
References relied upon to support a rejection under 35 U.S.C. 103(a) must provide an enabling disclosure, i.e., they must place the claimed invention in the possession of the public. *In re Payne*, 203 U.S.P.Q. 245 (CCPA 1979). Because the cited references fail to teach all of the claim limitations of Claim 1, the Office has not established a *prima facie* case of obviousness and has not placed the presently claimed absorbent article in the possession of the public. Since Claims 6 and 21 depend from Claim 1, the cited references also fail to teach all of their claim limitations. Therefore, Applicants assert that Claims 6 and 21 are nonobvious over the cited references and are in condition for allowance.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, entry of the amendments presented herein, reconsideration of this application, and allowance of the pending claims are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By 

Laura L. Whitmer
Registration No. 52,920
(513) 983-6431

Date: August 31, 2009
Customer No. 27752